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EDB:BGK
F. # 2005V01179

IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ JUN 17 2005 ★

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PM. _____
TIME AM. _____

- - - - - X

UNITED STATES OF AMERICA

**PRELIMINARY ORDER OF
FORFEITURE**

- against -

CR-03-1368 (S-6) (ARR)

TERON FOSTER,
also known as "Ron,"

Defendant.

- - - - - X

WHEREAS, on April 8, 2005, the defendant, TERON FOSTER, voluntarily waived indictment and pled guilty to violation of Title 21, United States Code, Section 963 as alleged in the Superseding Information; and

WHEREAS, on April 8, 2005, in the Superseding Information in the above-captioned case the United States sought forfeiture pursuant to Title 21, United States Code, Section 853, of any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission, of the violation of Title 21, United States Code, Section 963; and

WHEREAS, pursuant to the defendant's plea agreement, the defendant agreed and consented to forfeit to the United States all of his right, title and interest in the sum of \$21,314.00 in United States currency, more or less, and all proceeds traceable thereto,

seized from 361 East 58th Street, Brooklyn, New York; and one Silver 1995 Mercedes Benz S500, VIN WDBGA70E9SA193003 (the "Forfeited Property").

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Title 21, United States Code, Section 853, the defendant shall forfeit to the United States all of his right, title and interest in the Forfeited Property.
2. Upon entry of this Order, the United States Attorney General, or his designee, is authorized to seize the Forfeited Property and to conduct any discovery necessary to identify or dispose of the Forfeited Property in accordance with Fed. R. Crim. P. 32.2(b)(3).
3. Upon entry of this Order, the United States Attorney General is authorized to commence any applicable proceedings necessary to comply with the statutes governing the rights of third-parties, including giving notice of this Preliminary Order of Forfeiture.
4. The United States shall publish notice of this Preliminary Order of Forfeiture in a newspaper of general circulation in this district, and of its intent to dispose of the Forfeited Property in such a manner as the Attorney General or his designee may direct.

5. Any person, other than the defendant, asserting a legal interest in the Forfeited Property must within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier, petition the Court for a hearing, without a jury, to adjudicate the validity of his alleged interest in the Forfeited Property, and for an amendment to this order, pursuant to Fed. R. Crim. P. 32.2(c).

6. Any petition filed by a third-party asserting an interest in the Forfeited Property shall (i) be signed by the petitioner upon penalty of perjury; (ii) set forth the nature and extent of the petitioner's right, title or interest in the Forfeited Property; and (iii) any additional facts supporting the petitioner's claim and relief sought.

7. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in any assets identified and/or seized in accordance with Fed. R. Crim. P. 32.2(e)(1) as a substitute for publishing notice as to those persons so identified.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

9. At the expiration of the period provided by statute, or, in the event any third-party files a timely claim, upon adjudication of all third-party interests, the Court will enter a Final Order of Forfeiture in which all interests will be addressed.

10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

11. The Clerk of the Court shall forward six (6) certified copies of this Order to Assistant U.S. Attorney Brendan G. King, U.S. Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
August 18, 2005


HONORABLE ALLYNE R. ROSS
UNITED STATES DISTRICT JUDGE